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CITY ATTORNEY

REPORT NO. R 17 - 0 1 9 9

JUN 0 9 2017

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING
SECTION 80.73(b) OF THE LOS ANGELES MUNICIPAL CODE RELATING TO
CATERING TRUCKS VENDING IN RESIDENTIAL AREAS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 09-2357-S4

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality, concerning the regulation of catering trucks in residential areas. The revised draft ordinance makes changes to the previous draft submitted to the City Clerk on April 25, 2017 (City Attorney Report No. R17-0122), including changing the radius to two blocks within which a catering truck must not park for more than 30 minutes in any four-hour period in a residential location and adding definitions for the terms "Residential Location" and "Block."

On February 15, 2017, the City Council adopted a motion requesting that the City Attorney prepare a draft ordinance amending Subdivision (b)2.F of Section 80.73 of the Los Angeles Municipal Code (LAMC) to address the numerous public safety issues that have arisen in regard to catering trucks that park for long periods of time in residential locations within the City. Prior to the adoption of the motion, a public hearing was held in Transportation Committee on January 11, 2017. At that hearing, numerous residents testified that catering trucks were parking for several hours in front of their homes on a

daily basis, preventing residents from safely exiting their driveways as their sight lines to the street were being blocked by many of the catering trucks. Residents testified that they were afraid to leave their driveways, as they had been involved in near collisions due to blocked sight lines. Testimony was received by residents and law enforcement officers that there had been two recent collisions by motorists because their sight lines were blocked from seeing upcoming intersections due to catering trucks parked too close to the intersections in violation of posted signs. Law enforcement officers testified that the catering truck operators were ignoring posted sign requirements even after being repeatedly cited for parking violations on the residential streets where the catering trucks are parking. Residents further testified that numerous blight conditions were being created in their neighborhoods, as the catering truck patrons were damaging their lawns and landscaping, discarding trash, and in some cases urinating on their properties due to the lack of public toilet facilities as required under state law. Law enforcement officers stated that the issuance of one citation a day for a violation was having little, if any, deterrent effect, as the operators were treating the single citation they received as the cost of doing business.

Based on this testimony, the City Council requested that this Office prepare a draft ordinance to amend LAMC Section 80.73(b)2.F to allow law enforcement officers to issue more than a single citation in a day for each separate and distinct violation of the time and distance requirements set forth within Section 80.73(b)2.F, with escalated civil penalties listed in LAMC Section 89.60. As requested by the City Council, this Office transmitted the draft ordinance on April 25, 2017.

Based on subsequent discussions with City law enforcement, our Office has made a number of changes to the draft ordinance, including changing the radius to two blocks within which a catering truck must not park for more than 30 minutes in any four-hour period in a residential area, and adding definitions for the terms "Residential Location" and "Block." We have transmitted that revised draft ordinance and approved it as to form and legality.

By way of example of how this revised draft ordinance would be implemented, a person who parks a catering truck at a residential location at 9:00 a.m. must move the catering truck outside a two-block radius of that location by 9:31 a.m. and not return to park within that two-block radius for four hours. Using this example, if an officer observes the catering truck parked at the residential location at 9:00 a.m. and at 9:35 a.m. observes the catering truck parked at that same residential location or within two blocks of that location, then the officer can issue a civil citation of \$73 for the first violation of this section of the LAMC. If thereafter at 10:10 a.m. the officer observes the catering truck still parked at that residential location or within two blocks of that location, then the officer can issue a citation of \$123 for the second violation. If at 10:45 a.m. the officer observes the catering truck still at that residential location or within two blocks of that location, then the officer can issue a citation of \$173 for the third violation. Any

future violation of this subsection within the next 12 months will lead to the issuance of a citation of \$173.

This revised draft ordinance only addresses catering trucks parked in residential locations. It is anticipated that additional legislative amendments to the LAMC will be forthcoming concerning other aspects of this section, including the regulation of catering trucks in commercial areas.

Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Department of Transportation and the Los Angeles Police Department, with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal